

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL BOYD, PAUL LEE, and	)	
KENDRICK PEARSON,	)	
	)	
Plaintiffs,	)	
	)	
	)	
vs.	)	Case No. 3:12-cv-704-JPG
	)	
S.A. GODINEZ and RANDY DAVIS,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

Plaintiffs, currently incarcerated at Vienna Correctional Center, have brought this civil rights action, through counsel, pursuant to 42 U.S.C. § 1983. Plaintiffs claim that the living conditions at Vienna Correctional Center violate their right under the Eighth Amendment to be free from cruel and unusual punishment. Plaintiffs allege specifically that Vienna is severely overcrowded; the facility is poorly maintained—raw sewage overflows in the toilets and backs up in the showers; the entire facility, including the kitchen and dining hall, is infested with insects and vermin; the facility lacks adequate ventilation, exposing prisoners to extreme temperatures; and the buildings are infested with mold. Plaintiffs claim that Defendants Godinez and Davis are aware of the inhumane conditions at Vienna and have acted with deliberate indifference to the health and safety of inmates by failing to make reasonable efforts to correct the deplorable conditions.

Plaintiffs have paid the filing fees in full; they proceed with assistance of counsel. Attorneys for Plaintiffs bring this as a class action. In addition to the named Plaintiffs, the

proposed class includes all prisoners residing at Vienna. Plaintiffs and members of the proposed class seek injunctive and declaratory relief for the alleged constitutional violations.

Under 28 U.S.C. § 1915A, the Court is required to conduct a prompt threshold review of the complaint. Accepting Plaintiffs' allegations as true, the Court finds that Plaintiffs have articulated colorable federal causes of action against Defendants Godinez and Davis for exposing them to inhumane conditions of confinement at Vienna Correctional Center.

#### **DISPOSITION**

The threshold review of the complaint having now been completed, Plaintiffs are **DIRECTED** to serve Defendants pursuant to Fed. R. Civ. P. Rule 4. Defendants are **ORDERED** to timely file an appropriate responsive pleading to the complaint and shall not waive filing a reply pursuant to 42 U.S.C. § 1997e(g).

Pursuant to Local Rule 72.1(a)(2), this action is **REFERRED** to United States Magistrate Judge Frazier for further pre-trial proceedings.

Further, this entire matter is **REFERRED** to United States Magistrate Judge Frazier for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral*.

#### **PENDING MOTION**

The threshold review of the complaint now having been completed, Plaintiffs' Motion to Expedite Review Pursuant to the Prison Litigation Reform Act (Doc. 8) is found to be **MOOT**.

**IT IS SO ORDERED.**

**DATED: August 28, 2012**

*s/J. Phil Gilbert*  
J. PHIL GILBERT  
United States District Judge